

REMARKS

Claims 1-8, 11-20, 25-27 and 31-33 are pending in the application.

Claims 1-8, 11-20, 25-27 and 31-33 have been rejected.

Claims 1, 20 and 25 have been amended as set forth herein.

Claims 1-8, 11-20, 25-27 and 31-33 remain pending in this application.

Reconsideration of the claims is respectfully requested.

I. CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 1-3, 4-7, 8, 11-17, 19-20, 25-27, and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,963,704 to *Mimura et al.*, hereinafter “Mimura” in view of U.S. Patent No. 5,262,875 to *Mincer, et al.*, hereinafter “Mincer”. Claims 18 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mimura in view of Mincer as applied to claims 17 and 25 above, further in view of U.S. Patent 5,642,171 to *Baumgartner, et al.*, hereinafter “Baumgartner”. The Applicants respectfully traverse the rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5, August 2006). Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. *Id.* To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Amended independent Claim 1 recites a reprogrammable proxy filter adapted to programmably operate on video data coded according to a video data coding standard and on audio data separately coded according to an audio data coding standard, where the video data coding standard is unrelated to the audio data coding standard. The Examiner acknowledges that Mimura fails to teach a reprogrammable proxy filter for decoding audio and video data. However, the Examiner asserts that Mincer teaches a programmable decoder operating with video and audio data coded with any coding standard.

The Applicants submit that Mincer describes a system that decodes audio and video program information encoded with related audio and video encoding standards, for example, "DVI method, Phillips' CD-I method, compression by C-Cube Microsystems, compression by General Instruments, proposed still-frame compression standard JPEG, or proposed motion-picture compression standard MPEG." *Mincer, col. 5, lines 16-22.* Mincer describes a system capable of decompressing first and second transmitted audio/video program information compressed with first and second unrelated compression methods. But Mincer does not teach decompressing video data coded according to a

video coding standard and audio data coded according to an unrelated audio coding standard, as recited in amended Claim 1.

For these reasons, Claim 1 is patentable over Mimura and Mincer, taken separately or in combination. Amended independent Claims 20 and 25 recite analogous limitations to the unique and non-obvious limitations of Claim 1 described above and, therefore, also are patentable over Mimura and Mincer. The Applicants submit that Baumgartner does nothing to overcome the shortcomings of Mimura and Mincer. Claims 2-8 and 11-19 depend from Claim 1, and Claims 26, 27 and 31-33 depend from Claim 25 and include all the limitations of their respective base claims. As such, Claims 2-8, 11-19, 26, 27 and 31-33 also are patentable over Mimura, Mincer, Baumgartner, or any combination of Mimura, Mincer and Baumgartner.

Accordingly, the Applicants respectfully request that the Examiner withdraw the § 103 rejection with respect to these claims.

CONCLUSION

As a result of the foregoing, the Applicants assert that the remaining claims in the Application are in condition for allowance, and respectfully requests that this Application be passed to issue.


If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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